

Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** May 10, 2011

**TO:** Board of County Commissioners

**FROM:** Jose E. Larrañaga, Commercial Development Case Manager *JEL*

**VIA:** Jack Kolkmeier, Land Use Administrator *JK*  
Shelley Cobau, Building and Development Services Manager *wsc*  
Wayne Dalton, Building and Development Services Supervisor *WD*

**FILE REF.:** CDRC CASE # V 10-5240 Ronald Crawford Variance.

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### ISSUE:

Ronald Crawford, Applicant, Jim Siebert, Agent, request a variance of Article III, Section 10 Lot Size Requirements of the Land Development Code to allow a lot line adjustment to reduce Tract A-2 to 2.507 acres and increase Tract A-1 by 4.01 acres for a total of 10.90 acres.

The property is located at 17 Roy Crawford Lane, within Section 17, Township 16 North, Range 10 East (Commission District 4).

### SUMMARY:

On October 21<sup>st</sup>, 2010, the County Development Review Committee (CDRC) met and acted on this case. The recommendation of the CDRC was to deny the Applicants request in conformance with staff's recommendation (Exhibit "G").

The Applicant requests a variance of Article III, Section 10 Lot Size Requirements of the Land Development Code to allow a 6.526 acre (Tract A-2) parcel to be reduced to 2.5 acres. The Applicant is proposing a lot line adjustment between Tract A-1 (6.88 acres) and Tract A-2 (6.52 acres). The lot line adjustment would increase the acreage on Tract A-1 to 10.90 acres and decrease the acreage on Tract A-2 to 2.5 acres.

The Applicant states he must sell his mother's home located on Tract A-2 but wishes to retain as much of the family property as possible. The lot line adjustment would also allow for his driveway, which is within Tract A-2, to be platted entirely on his property (Tract A-1).

The property is located within the Metro Mountain Hydrologic Zone where the maximum allowable lot size is 20 acres with .25 acre feet water restrictions and can be reduced to 5 acres with community water (Exhibit "B"). Both Tract A-1 and Tract A-2 are below the maximum allowable lot size permissible by the Land Development Code.

Article II Section 3 (Variances) of the County Code states that "Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This Section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified" (Exhibit "C").

**REQUIRED ACTION:**

The BCC shall review the attached material and consider the recommendation of staff; take action to approve, deny, approve with conditions or table for further analysis of this request.

**RECOMMENDATION:**

Staff has reviewed this application and has found the facts presented **not to support** this application: staff's analysis of the Applicants interpretation of the variance criteria does not justify the approval of this application; strict compliance with the requirements of the code would not result in extraordinary hardship to the Applicant; to allow Tract A-2 to be reduced further below the density requirements allowed by the code, the purpose of the code would be nullified; the Applicant has not justified a hardship which is contemplated by the Code. The variance requested by the Applicant is not considered a minimal easing of the requirements of the code therefore staff recommends **denial** of the Applicants request.

**ATTACHMENTS:**

- Exhibit "A"- Revised Letter of request and Documents for Variance
- Exhibit "B"- Article III, Section 10 (lot size requirements) of the Code
- Exhibit "C"- Article II, Section 3 (Variances) of the Code
- Exhibit "D"- Site Plan
- Exhibit "E"- Vicinity Map
- Exhibit "F" - Aerial Photo of Property
- Exhibit "G" – CDRC Minutes
- Exhibit "H" – Parcel Map of Adjoining Property
- Exhibit "I" – Article II, Section 2.3
- Exhibit "J" - Article III, Section 2.4.2a
- Exhibit "K" – Supplemental Report Submitted by Agent
- Exhibit "L" – Letter of Concern

Ronald and Gwyneth Crawford  
17 Roy Crawford Ln.  
Santa Fe, NM 87505

Jose Larranaga  
Case Manager  
Santa Fe County Land Use Commission  
102 Grant Ave.  
Santa Fe, NM 87501

October 5, 2010

RE: **Letter of Intent CDRC Case # V10-5240, Crawford**

Dear Mr. Larranaga,

This letter of intent is in regard to a request for a lot line adjustment.

- ❖ As owner of both Tract A-1 and Tract A-2, I would am requesting a lot line adjustment between the tracts to increase Tract A-1 to 10.9 acres. **[Exhibit 1]**
- ❖ My wife and I reside on Tract A-1 and my mother, now deceased, resided on Tract A-2. **[Exhibit 1]**
- ❖ A lot line adjustment would result in my driveway being entirely on Tract A-1, whereas currently approximately half of the driveway is on Tract A-2. **[Exhibit 1]**
- ❖ Tract A-2 would be approximately 2.5 acres (pending survey). **[Exhibit 1]**
- ❖ Although 2.5 acres is below the 20-acre minimum established for the Mountain Hydrologic Zone in January 1980, the majority of parcels within the Mountain Hydrologic Zone in the vicinity of Tracts A-1 and A-2 are less than 20 acres. **[Exhibits 2 & 3]**
- ❖ Tracts A-1 and A-2 are bounded by 8 parcels. Seven of these are below the 20-acre minimum. **[Exhibit 4]**
- ❖ On the north side of Tracts A-1 and A-2 are three parcels consisting of 2.6 acres, 3.0 acres, and 3.1 acres. The lot split approving these three parcels was on May 18, 1981 – after the Hydrologic Zoning ordinance was in place. **[Exhibit 5]**
- ❖ Since a precedent has been set allowing for lot sizes to be less than 20 acres in this area, I am requesting this lot line adjustment.

Thank you for your consideration of this request,

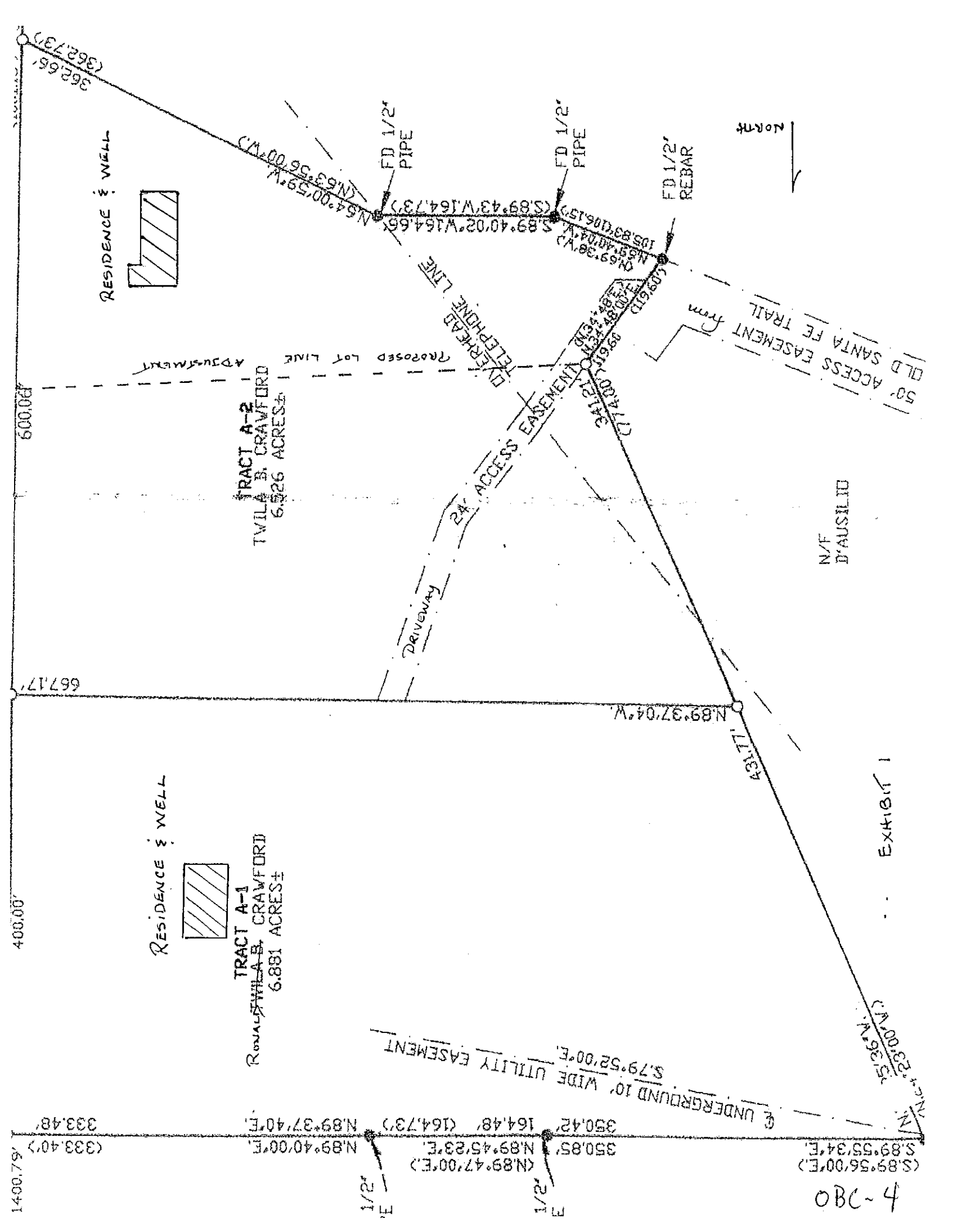


Ronald Crawford

Attachments: Exhibits 1-5

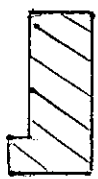


OBC-3



North

RESIDENCE & WELL

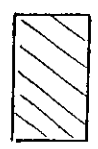


TRACT A-2  
TWILA B. CRAWFORD  
6.826 ACRES±

24' ACCESS EASEMENT  
OVERHEAD TELEPHONE LINE  
DRIVEWAY  
50' ACCESS EASEMENT  
OLD SANTA FE TRAIL

N/F  
D'AUSILIO

RESIDENCE & WELL



TRACT A-1  
RONALD TWILA B. CRAWFORD  
6.881 ACRES±

EXHIBIT I

UNDERGROUND 10' WIDE UTILITY EASEMENT

OBC-4

362.66'  
(362.73')

600.06'

667.17'

400.00'

1400.79'  
(333.40')  
333.48'

N54°00'59"W  
(N63°56'00"W)  
N54°00'59"W  
(N64°43'16.473")

FD 1/2"  
PIPE

FD 1/2"  
PIPE

FD 1/2"  
REBAR

S89°43'W164.73'  
S89°40'02"W164.66'  
N55°40'04"W  
105.83(106.150)  
S89°43'W164.73'

S41°21'  
(N52°49'26")  
S41°21'  
(N52°49'26")  
S74°00'11"W  
(N15°09'26")  
S74°00'11"W  
(N15°09'26")

N89°37'04"W

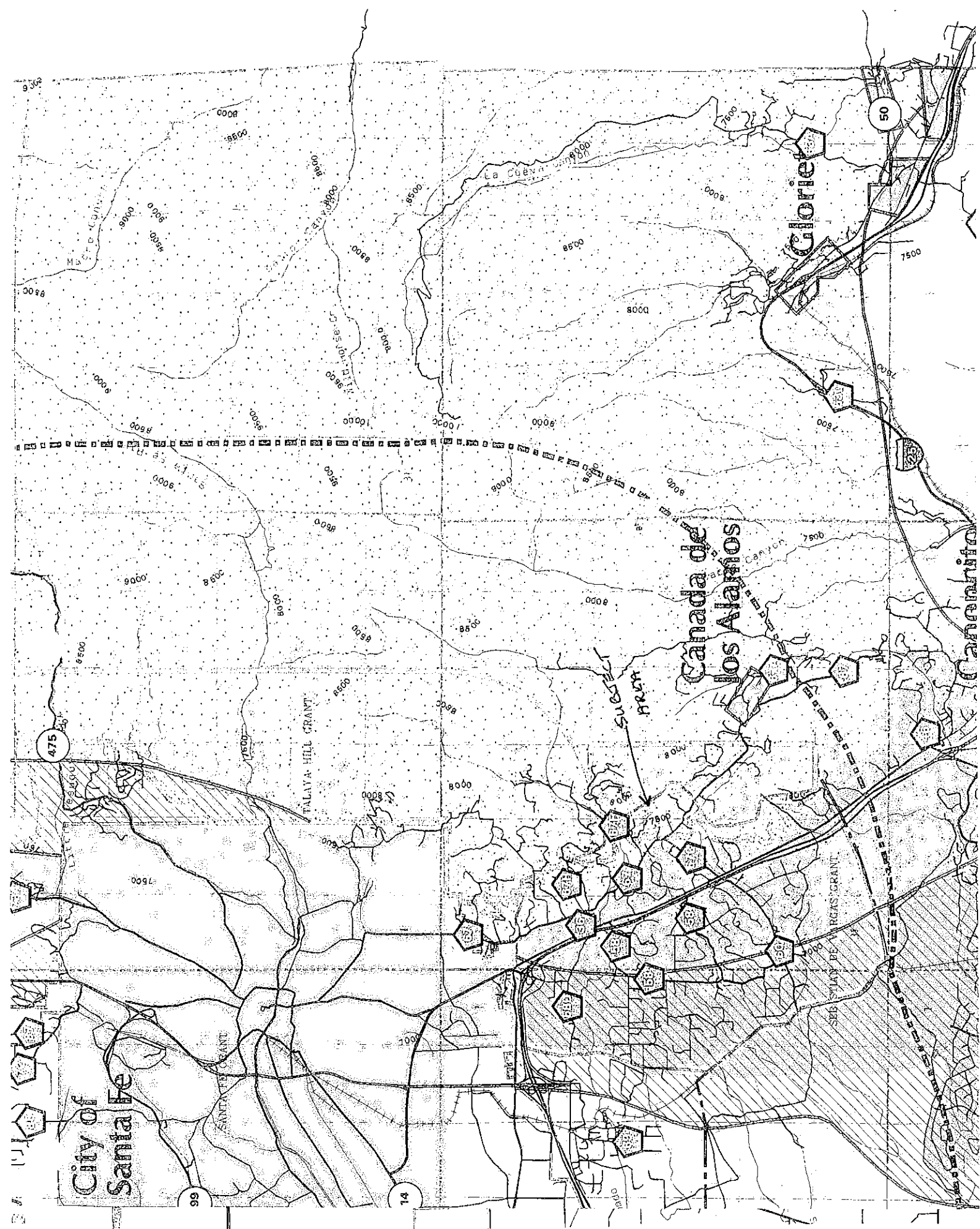
AS177'

N2°36'33"E239.00'  
(N2°36'33"E239.00')

N89°47'00"E)  
350.85'  
(N89°47'00"E)  
N89°45'23"E)  
390.42'  
(N89°45'23"E)  
N89°40'00"E)  
350.85'  
(N89°40'00"E)  
N89°40'00"E)  
164.48'  
(N89°40'00"E)  
164.48'  
(N89°40'00"E)  
164.48'  
(N89°37'40"E)

1/2"

1/2"



Canada de  
El Alamos

Glorietta

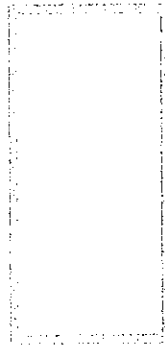
City of  
Santa Fe

# Zoning Symbols

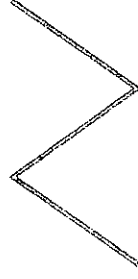


Metropolitan Zone  
Boundaries

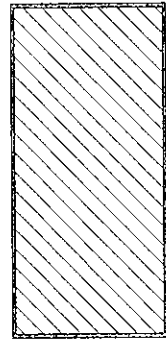
Urban Zone  
Boundaries



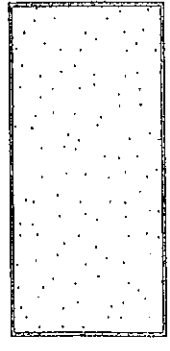
Mountain Special  
Review District



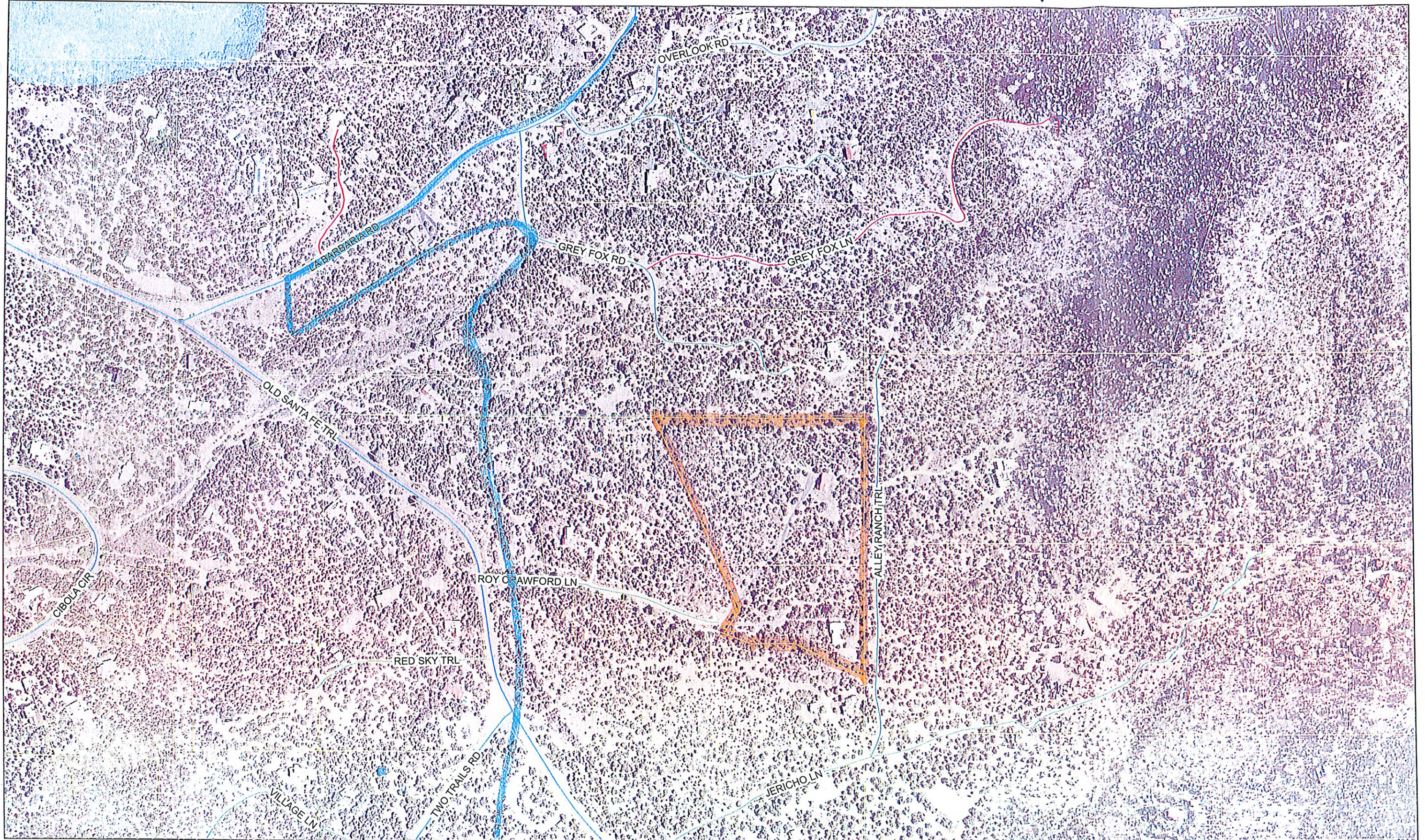
1980 Hydrologic  
Zone Boundaries



Basin Fringe Zone  
1980 Hydrologic Zones



Mountain Zone  
1980 Hydrologic Zones



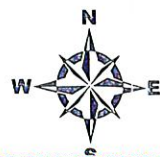
Map of Property in Santa Fe County

FEMA

100 YR  
500 YR

WARNING:  
Two (2) foot contour data sets are  
NOT SUITABLE FOR ENGINEERING WORK  
These data are appropriate for

Orthophoto from 2008  
Contour Interval 2 Feet  
This information is for reference only. Santa Fe County assumes  
no liability for errors associated with the use of these data.



September 23, 2010



OBC-7



EXHIBIT 4

THIS INFORMATION IS FOR REFERENCE ONLY. SANTA FE COUNTY ASSUMES NO LIABILITY FOR ERRORS ASSOCIATED WITH THE USE OF THIS DATA. USERS ARE SOLELY RESPONSIBLE FOR CONFIRMING DATA ACCURACY WHEN NECESSARY.

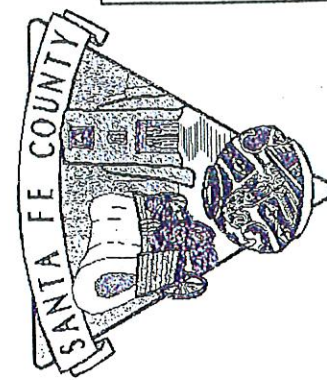
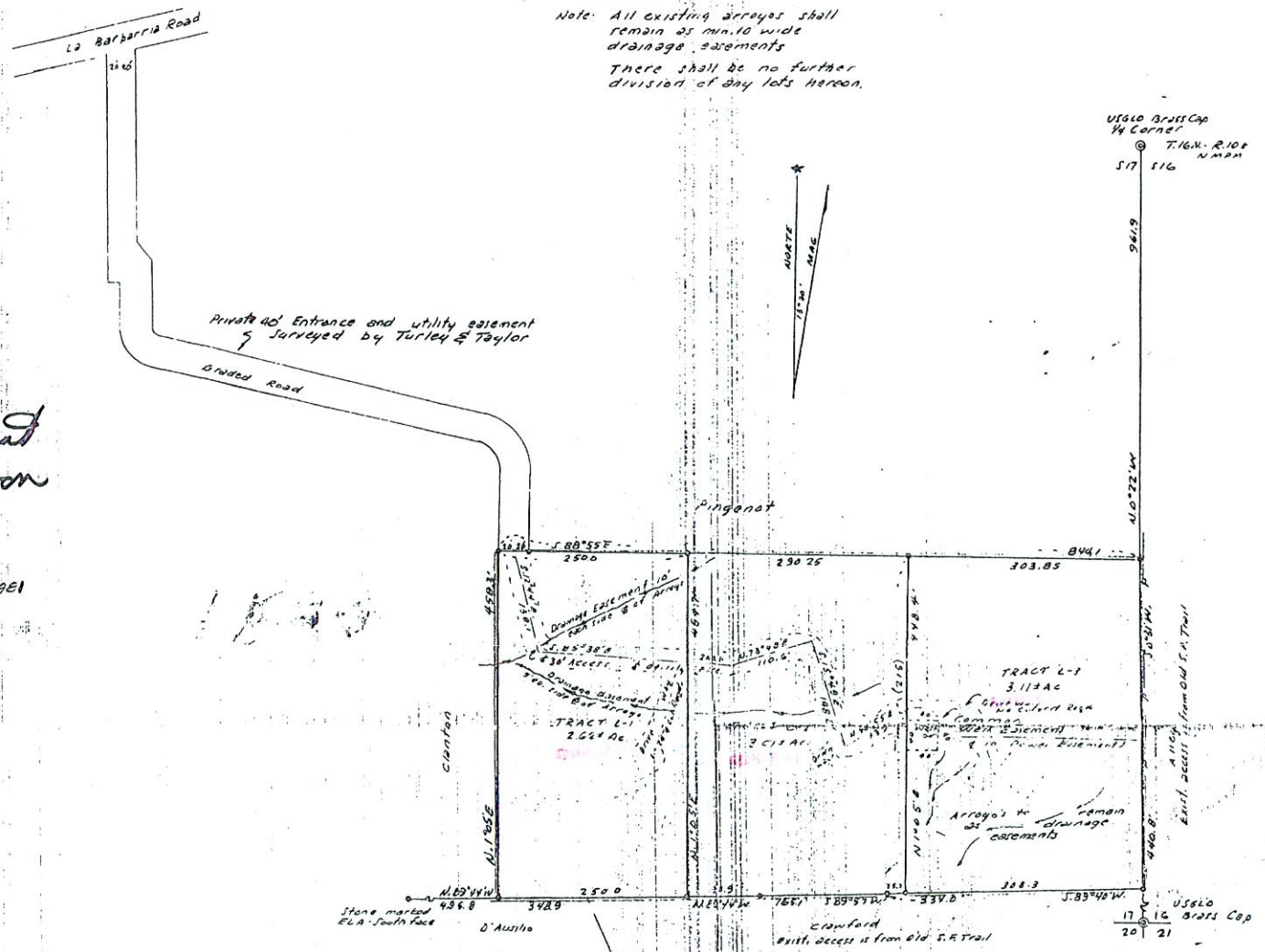




EXHIBIT 5

• Points found & used  
• Points set, 15" spikes  
Building site  
Note: All existing arroyos shall remain as min. 10 wide drainage easements  
There shall be no further division of any lots hereon.



**DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS That Charles H. & Elizabeth Lange have made a replat of their land in the NE 1/4 SE 1/4 Section 17 T.16N. R.10E. N.M.P.M., La Barbara Road, Santa Fe County, N.M. to be called

**LOMA ALEGRE SUBDIVISION**

All as shown on this plat and containing 8.74 acres, more or less Easements are granted for utilities and access, with rights to trim vegetation interfering with utility distribution.

Charles H. Lange  
Elizabeth M. Lange

**AFFIDAVIT**

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
This replat lies within the planning or platting jurisdiction of the City of Santa Fe, N.M.

Charles H. Lange  
Elizabeth M. Lange

Notary Public  
My commission expires



COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I hereby certify that this plat was filed for record on 11/10/80 at 11:07 AM and was duly recorded in book 101 page 15 of the records of Santa Fe County.  
Witness my Hand and Seal this 10th day of Nov. 1980  
CANDOLINA E. GONZALES  
County Clerk, Santa Fe County, N.M.

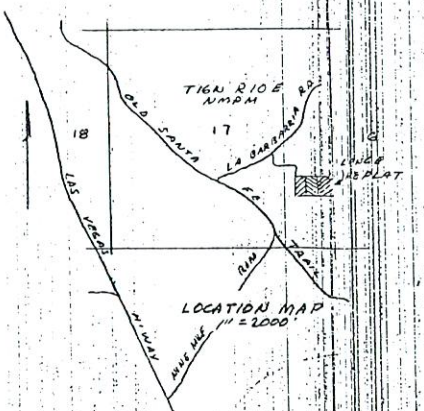
**LOMA ALEGRE SUBDIVISION**  
SECTION 17, T.16N. R.10E  
LA BARBARIA ROAD, SANTA FE CO, NEW MEX  
1" = 100'

CITY OF SANTA FE, N.M.  
Approved 5/18/80 by *Shepherd Head* City Engineer  
Approved 5-18/80 by *Kath E. Melton* City Planner

Council approval  
Approved by Planning Commission 5/16/1981  
*E.P. [Signature]* Chairman  
*[Signature]* Secretary

MOUNTAIN BELL E.R. Flanagan 11-13-80  
PUBLIC SERVICE CO. OF N.M. Ramon J. Alvarez 11-10-80  
Power Only

I certify that this survey & plat was made by me and it is true and correct to the best of my knowledge and belief  
*Jack G. Horne*  
Jack G. Horne  
P.E. 51289  
6 Nov. 1980



TYPE OF USE	NUMBER OF PARKING SPACES
Retail Centers	1 per 1 employee plus per 200 sq. ft.
Restaurants, Bars	1 per 1 employee plus per 150 sq. ft.
Gas Stations	1 per 1 employee plus 1 per 300 sq. ft. of garage space.
Industrial	1 per employee plus 1 per 500 sq. ft.
Small Scale Centers, Home Occupations	1 per 1 employee plus 1 per 400 sq. ft. of commercial space.
Large Scale Residential, Institutional, Residential Resorts	2 per dwelling unit
Churches, auditoriums, theaters, arenas, spaces used for public assembly	1 for each 4 seats
Uses not listed	As determined by the County

- 9.2 Multiple use projects shall calculate cumulative parking needs for each type of use in the project to be developed.
- 9.3 Minimum size of parking space shall be 300 square feet which includes the parking stalls and aisles.
- 9.4 Commercial, industrial, other non-residential and large scale residential uses shall provide for handicap parking.

History. 1980 Comp. 1980-6. Section 9, Parking Requirements was amended by County Ordinance 1990-11 adding requirements for auditorium uses, multiple uses and handicap access.

→ **SECTION 10 - LOT SIZE REQUIREMENTS**

10.1 Relationship of Lot Sizes to Water Policies

The General Plan sets forth the policy that future population growth in the County should be supported by adequate long term water availability and concentrate population growth in Urban and Metropolitan Areas and Traditional Communities. Development within these areas will generally be served by one or more regional water systems, or community water systems. Development outside of the Urban, Metropolitan Areas and Traditional Communities using domestic wells (Section 72-12-1 wells) should consider estimated long term water availability and protect water resources for existing County residents having domestic wells. Development may also be permitted if the applicant for a development permit demonstrates that he/she has water rights, excluding rights permitted under 72-12-1 NMSA 1978 or 75-11-1 NMSA 1953, recognized and permitted by the Director of Water Resources Department of Natural Resources Division of the State of New Mexico which are approved for transfer by the Director of Natural Resources Division to the site of the Development, and the permitted water rights are sufficient to support the proposed development.



10.1.1 Water Policies Governing Lot Sizes Where the Development will Utilize Permitted Water Rights

Applicants seeking a development permit may base their application on water rights authorized and permitted by the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico, (with the exception of water rights permitted under Section 75-11-1 NMSA 1953 or 75-12-1 NMSA 1978). The applicant shall provide evidence that he/she owns or has an option to purchase the permitted water rights in an amount adequate to meet the needs of the development as shown by Article VII, Section 6.6.2, Water Budgets and Conservation Covenants. Any development permit approved and issued by the County shall be expressly conditioned upon the applicant obtaining final non appealable order or final non appealable approval from the Director of Water Rights Division of the Natural Resources Department of the State of New Mexico authorizing the change in use and change in point of diversion to meet the needs of the proposed development. The minimum lot size permitted by this Section shall be 2.5 acres, unless the proposed development is within an Urban, or Metropolitan Area or a Traditional Community, in which case further adjustments of the lot size shall be permitted as provided by Sections 10.4, 10.5.2 and 10.5.3.



10.1.2 Water Policies Governing Lot Sizes Where Developments Will Not Utilize Permitted Water Rights

BASIN ZONE: Minimum lot size shall be calculated based upon ground water storage only. Water that is in storage beneath the lot in the Basin Zone may be depleted over a 100-year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water without consideration of recharge of the ground water.

BASIN FRINGE ZONE: Same as Basin Zone.

HOMESTEAD ZONE: Minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 100 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 100 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 100 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead Zone minimum lot sizes based on storage in this zone would be larger than those based on recharge.

MOUNTAIN ZONE: Same as Homestead Zone.

METROPOLITAN AREAS-BASIN AND BASIN FRINGE: For Basin and Basin Fringe zones within a Metropolitan Area as shown on Code Maps 12, 14 and 15, it is anticipated that regional water systems will eventually be developed. Therefore, water that is in storage beneath a lot within a Metropolitan Area may be depleted over a 40 year lifetime. The lot must be large enough to have ground water in storage beneath the lot for a 40 year supply of water without consideration of recharge of the ground water.



METROPOLITAN AREAS-HOMESTEAD AND MOUNTAIN ZONE: For Homestead and Mountain Zones within a Metropolitan Area, the minimum lot size shall be calculated based either upon ground water storage or recharge of ground water, but not

both. Water that is in storage beneath the lot in the Homestead Zone may be depleted over a 40 year lifetime. The lot must be large enough to have a ground water in storage beneath the lot for a 40 year supply of water. Calculation of recharge in any specific case shall be done in a manner approved by the County Hydrologist. Recharge should be sufficient to supply water over a 40 year lifetime. However, applicants should be aware that studies done in the development of the General Plan indicated that in most areas of the Homestead and Mountain Zones, minimum lot sizes based on storage in these zones would be larger than those based on recharge.

10.2 Calculation of Minimum Lot Size

Calculation of the minimum lot size under Section 10.1.2 shall be determined by the formula:

$$\frac{\text{Acre Feet}}{\text{Use (Year) x acres}}$$

Minimum Lot Size (Acres)=Water Available in acre feet per acre/year

$$\text{MLS} = \frac{U \times \text{acres}}{A}$$

Where:

MLS is the minimum lot size in acres; it is the size of a lot needed to supply anticipated water needs.

U is the anticipated water needs for the lot; it is the use of water which will occur from the intended development of the lot, measured in acre-feet per year. The standard values listed for A were derived using the procedures set forth in the water appendix of the Code. The standard value for U is set forth in Section 10.2.2. A is the amount of water available in the aquifers which are beneath the lot, measured in acre-feet per acre per year using recharge or storage as described in 10.1.2.

10.2.1 Standard Values for A and Adjustments. The standard values for A shall be as follows:

<u>BASIN ZONE:</u>	0.1 acre-feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.02 acre-feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre-feet per acre per year
<u>HOMESTEAD ZONE:</u>	.00625 acre-feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>BASIN ZONE:</u>	10 acres
<u>BASIN FRINGE ZONE:</u>	50 acres
<u>MOUNTAIN ZONE:</u>	80 acres
<u>HOMESTEAD ZONE:</u>	160 acres

The standard values of A may be adjusted if the applicant submits a hydrology report, either a detailed report (see Section 6.4 of Article VII), or a reconnaissance report (see Section 6.7 of Article VII). Values of A determined in such reports shall be reviewed by the County Hydrologist, who shall recommend to the Code Administrator whether or not

the value is reasonable, and if not, shall recommend a value appropriate for the use in determining minimum lot size.

The actual value of A used shall be based on the information submitted by the applicant, by the County Hydrologist or by others submitting information. If water conservation measures are used, as provided in Section 10.2.4b, and an actual value of A is determined, in most cases minimum lot sizes will be reduced below those listed in Section 10.2.1. However, applicants are advised that because of varying geologic conditions in Santa Fe County there is no assurance that a hydrology report will determine that the water supply in an area is more abundant than indicated by the standard value of A. In cases where the actual study shows a value of A which is less than the standard value (that is, there is less water available than assumed by the standard value), minimum lot size requirements may be increased beyond those indicated in this Section.

#### 10.2.2 Calculation of Use

U shall have a standard value of 1.0 acre feet per year per dwelling unit for residential use. For all other uses U shall be equal to the actual anticipated consumptive use for the development. The standard value for residential use may be adjusted if an applicant proposes to utilize water conservation measures. There shall be no adjustments for conservation in Urban, Traditional Community and Agricultural Valley Areas.

The Code Administrator shall maintain an application form upon which are listed potential water conservation measures. This form shall indicate the effect of each conservation measure on the value of U. As a minimum, the measures shall include: restrictions on use of water for irrigation purposes (including watering of lawns, gardens and shrubbery); restrictions on use of water for swimming pools; restrictions on the number of bathrooms per dwelling unit; restrictions on garbage disposal units; devices which reduce the utilization of water by appliances, kitchen fixtures, and bathroom fixtures; and pressure-reduction devices on in-coming water lines.

Any applicant who uses the application form as a basis for proposing conservation measures shall be allowed to reduce U in accordance with the effectiveness of the measures proposed. The maximum reduction in U which shall be considered achievable using this approach shall be a reduction of U to no less than 0.25 acre feet per year per dwelling unit. An applicant who proposes water conservation measures sufficient to reduce U to less than 0.25 acre feet per year per dwelling unit shall be required to prepare a water conservation report: See Section 6.6 of Article VII.

The actual value of U, and the minimum lot sizes which result, will depend on the conservation measures proposed by the applicant. In general, applicants who substantially restrict the use of irrigation (lawn and garden) water will be assumed to have a U of 0.5 acre feet per year per dwelling unit, while those who further restrict other types of water use will be assumed to require even less water. For reference purposes, the following lot sizes would be allowed if U is equal to 0.5 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	5 acres
<u>BASIN FRINGE ZONE:</u>	25 acres
<u>MOUNTAIN ZONE:</u>	40 acres
<u>HOMESTEAD ZONE:</u>	80 acres

For reference purposes, the following lot sizes would be allowed if U is equal to 0.25 acre feet per year per dwelling unit.

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	12.5 acres
<u>MOUNTAIN ZONE:</u>	20 acres
<u>HOMESTEAD ZONE:</u>	40 acres

10.2.3 Special Standards for Calculation of Use for Small Scale Commercial Development

Special standards which set forth specific limitations on use for small scale commercial developments are set forth in this subsection. Applicants who propose small scale commercial development are required to prepare a written estimate of water use. The value of U shall be determined by that estimate unless otherwise determined by the Code Administrator. The Code Administrator shall have on file, a list of standard water consumption requirements for commercial activities. The applicant may use these figures in lieu of the written estimate of water use. Applicants may use standardized values for A as set forth in Section 10.2.2, or they may submit a hydrology report which contains an actual estimate of A for the land which is to be developed.

10.2.4 Special Standards for Calculation of Water Availability for Metropolitan Areas

Special standards which set forth limitations on water availability for metropolitan areas shown in Code Map 12, 14, and 15 are set forth in this Sub-section.

a. Standard Values of Water Availability

Because the policy for water management in Metropolitan areas allows for depletion of storage over a 40 year period, standard values for A are as follows:

<u>BASIN ZONE:</u>	.25 acre feet per acre per year
<u>BASIN FRINGE ZONE:</u>	.05 acre feet per acre per year
<u>MOUNTAIN ZONE:</u>	.0125 acre feet per acre per year

The minimum lot sizes which result from the use of these standard values are as follows:

<u>METRO BASIN ZONE:</u>	4 acres
<u>METRO BASIN FRINGE ZONE:</u>	20 acres
<u>METRO MOUNTAIN ZONE:</u>	80 acres

b. Adjustments for Water Conservation

For the division of land into four (4) or less lots, the minimum lot size may be adjusted using the procedures set forth in Section 10.2.2. For reference purposes, the minimum lot sizes which result if U = 0.25 acre feet per year per dwelling unit or commercial use are:

<u>BASIN ZONE:</u>	2.5 acres
<u>BASIN FRINGE ZONE:</u>	5 acres
<u>MOUNTAIN ZONE:</u>	20 acres

10.3 Exceptions to Minimum Lot Size Requirements

The minimum lot sizes calculated under Sections 10.1 and 10.2 shall not apply to the areas described in this Section and the minimum lot size contained in this Section shall control.

10.3.1 Metropolitan Area - Community Water Systems

Where a community water system provides water service to a development within the Metropolitan Areas, as shown on Code Maps 12, 14 and 15, the minimum lot sizes shall be:

<u>BASIN ZONE:</u>	1 acre
<u>BASIN FRINGE ZONE:</u>	2.5 acres
<u>MOUNTAIN ZONE:</u>	5 acres

10.3.2 Agricultural Areas

In the Estancia Valley Agricultural Area, minimum lot sizes shall be 50 acres for the Basin Fringe Zone and 10 acres for the Basin Zone. Adjustments for water conservation and water availability will not be allowed. In the Northern Valley Agricultural Area, the minimum lot size for lands with permitted water rights shall be five (5) acres. Adjustments to lot sizes in these areas are conditioned on the finding in each case by the County Development Review Committee that it is in the best interest of the County to convert water rights from agricultural to commercial or residential use.

10.3.3 Traditional Communities

The minimum lot size in traditional communities as shown on Code Maps 40-57, shall be .75 acres, except as follows:


14,000 sq. ft. - Where community water service and community sewer service systems are utilized, or a Local Land Use and Utility Plan is adopted.

10.3.4 Urban Areas

The minimum lot size in Urban Areas shall be 2.5 acres, except as follows:

1 acre - Where community water or community liquid waste disposal systems are utilized.

.50 acre - Where community water and community sewer systems are utilized.

 10.4 Density Transfer

The minimum lot sizes specified in this Section 10 shall be taken as gross figures for the purposes of determining the total number of dwellings allowed in a particular development. The arrangement of dwellings in clusters or in such locations as to take advantage of topography, soil conditions, avoidance of flood hazards, access and reduced cost of development, shall not violate the lot size requirements of the Code so long as the total number of acres per lot conforms with the requirements of the Code.

~~SECTION 11 - IMPORTING OF WATER~~

~~11.1 Location Requirements~~

~~Developments which import water from the surface Rio Grande or other locations outside Santa Fe County to any location in Santa Fe County designated in the Development Code as other than urban or metropolitan locations are permitted to locate anywhere in the County provided they meet all requirements of the Code, except that in lieu of the density requirements as specified in Article III, Section 10, the proposed development shall meet the following criteria.~~

2.5 Zoning

In connection with the review of an application for a development permit with respect to matters described in the New Mexico Statutes concerning zoning, the procedures concerning zoning matters set forth in the New Mexico Statutes, as amended from time to time, shall apply in addition to the review procedures provided in the Code. The time limits established in this Article II may be extended if required, in order to comply with the procedures concerning zoning matters.

2.6 Subdivisions

In connection with review of an application for a development permit with respect to matters described in the New Mexico Subdivision Act, as it may be amended from time to time, the procedures for review provided for in Article V of the Code and the New Mexico Subdivision Act shall apply in addition to the review procedures provided in this Article II of the Code. The time limits established in this Article II shall be extended if required in order to comply with the procedures concerning subdivision matters.

2.7 Other Requirements

The time limits set forth in this Article II shall be extended in order to comply with other provisions of the Code providing for time limits in connection with reviews and requirements under the Code.

→ SECTION 3 - VARIANCES

3.1 Proposed Development

Where in the case of proposed development, it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an applicant may file a written request for a variance. A Development Review Committee may recommend to the Board and the Board may vary, modify or waive the requirements of the Code and upon adequate proof that compliance with Code provision at issue will result in an arbitrary and unreasonable taking of property or exact hardship, and proof that a variance from the Code will not result in conditions injurious to health or safety. In arriving at its determination, the Development Review Committee and the Board shall carefully consider the opinions of any agency requested to review and comment on the variance request. In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.

3.2 Variation or Modification

In no case shall any variation or modification be more than a minimum easing of the requirements.

3.3 Granting Variances and Modifications

In granting variances, and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

3.4 Height Variance in Airport Zones

All height variance requests for land located with approach, Transitional, Horizontal and Conical surfaces as described within Map #31 A, incorporated herein by reference, shall be reviewed for compliance with Federal Aviation Administration Regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the

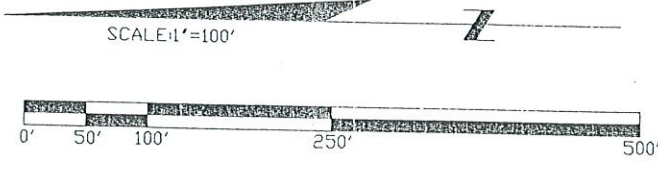
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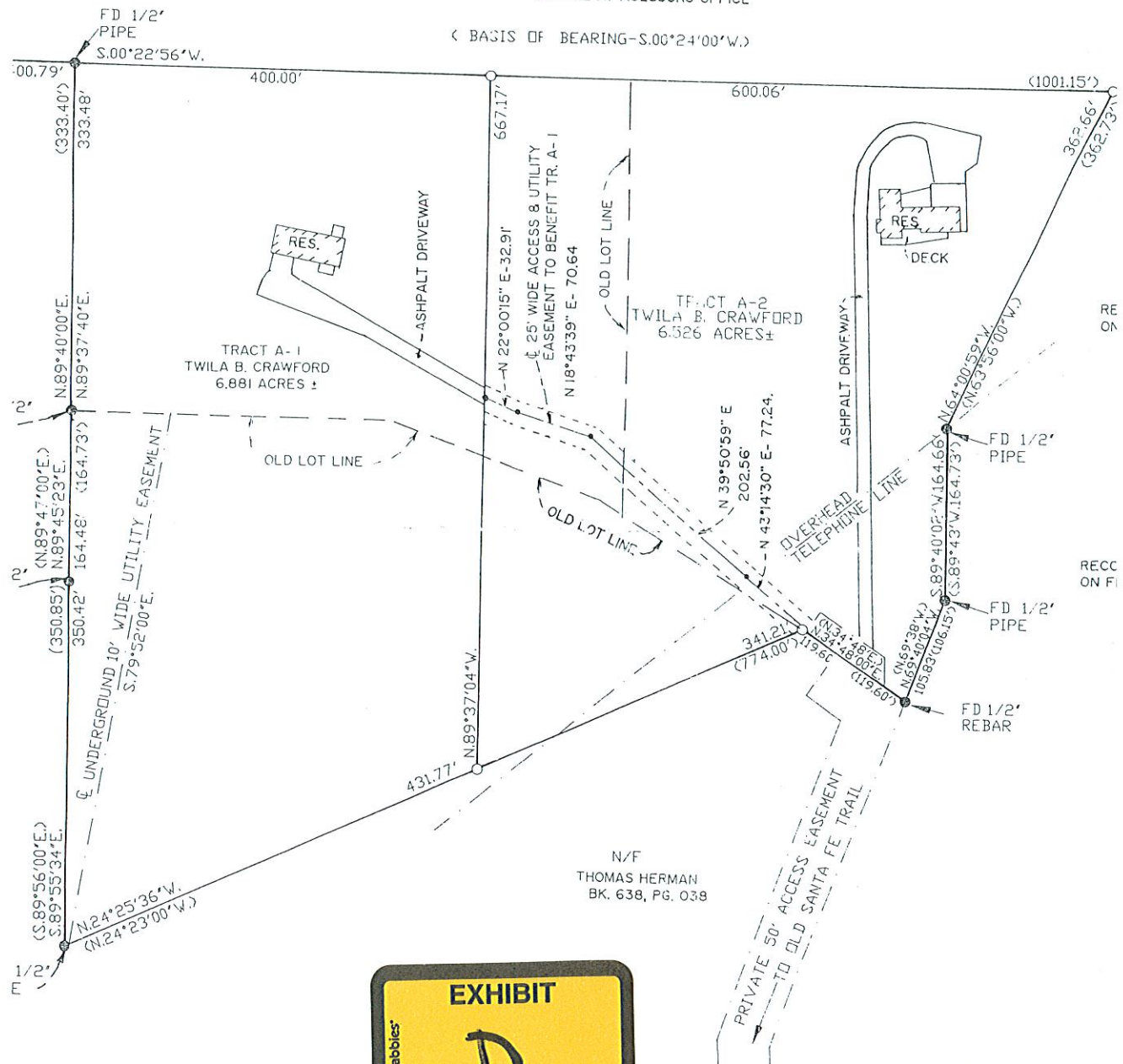
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N/F  
ALLEY  
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ON FILE AT ACCESSORS OFFICE



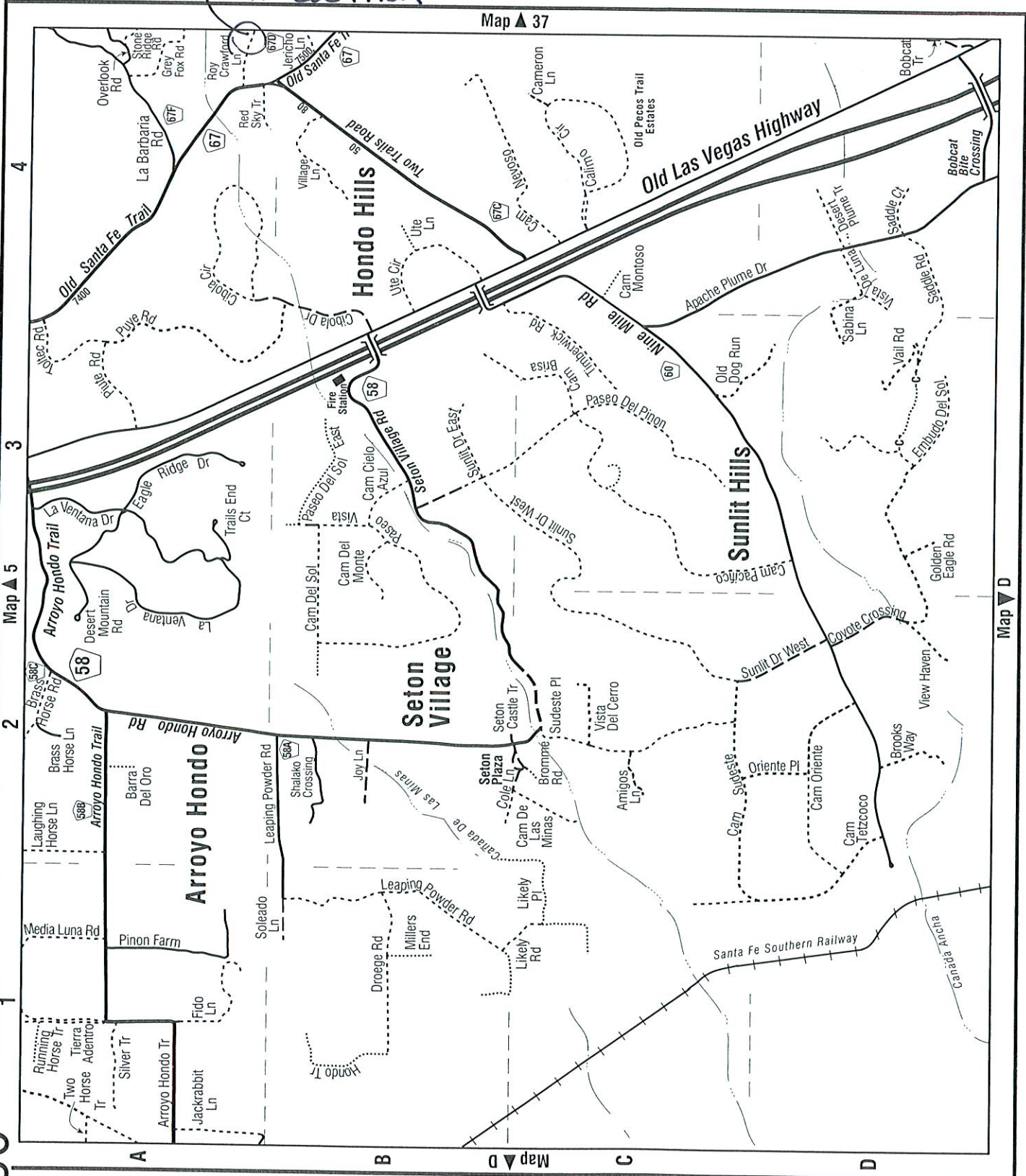
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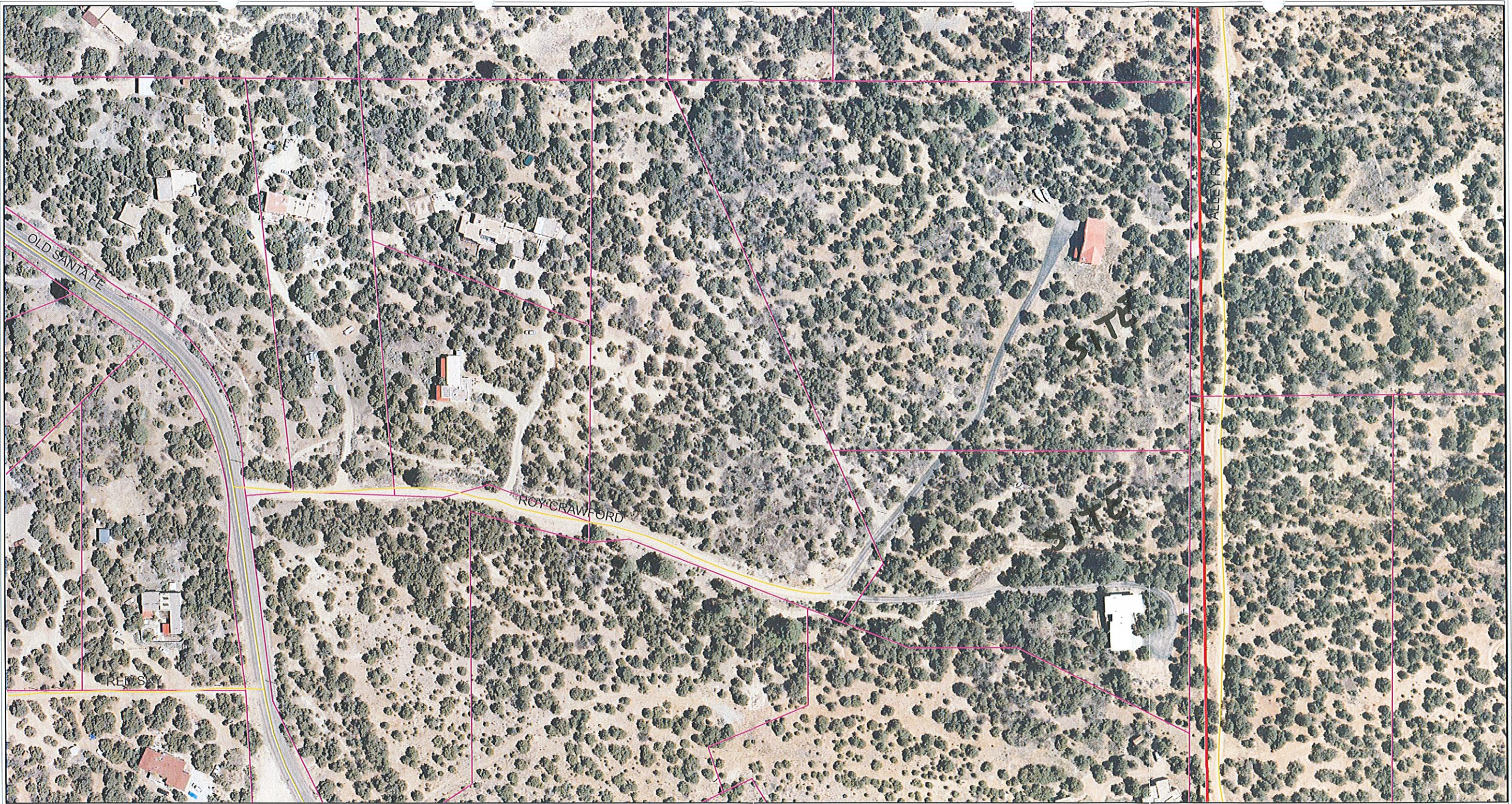
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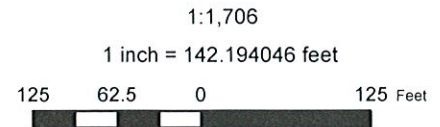
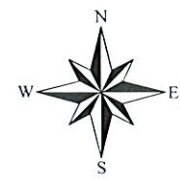


OBC-18



**Legend**

- Roads
- ▭ Parcels



2008 Orthophotography

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September 27, 2010

OBC-19

**IV. APPROVAL OF MINUTES: September 16, 2010**

Member C. Gonzales noted the following changes: Page 5 – Member C. Gonzales advised Mr. Bowker that just because an engineer stamps the plans does not mean it is correct.

Page 24 – Having completed the agenda and with no further business to come before this Committee, Chair Gonzales Romero declared this meeting adjourned.

Member J.J. Gonzales noted that on page 16, second paragraph it should read “dwelling units” instead of “residences”.

Member Martin moved to approve the September minutes as amended. Member C. Gonzales seconded and the motion passed by unanimous [6-0] voice vote.

**V. CONSENT CALENDAR**

**Final Order**

- A. **CDRC CASE # DP 10-5290 Children’s Garden Montessori School.**  
 Joan Shankin, Applicant, Oralynn Guerrerortiz (Design Enginuity), Agent, Requested Final Development Plan Approval For Phase ii of the Children’s Garden Montessori School. The Property Is Located at 710 Old Las Vegas Highway, Within Section 10, Township 15 North, Range 10 East, (Commission District 4). Jose E. Larrañaga, Case Manager, Approved 4-0

PPK

Upon motion by Member C. Gonzales and second by Member Martin the Consent Calendar was unanimously approved.

**VI. OLD BUSINESS**

- C. **CDRC CASE # V 10-5240 Ronald Crawford Variance.** Ronald Crawford, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a lot line adjustment to reduce lot A-2 to 2.507 acres and increase lot A-1 by 4.01 acres for a total of 10.90 acres. The property is located at 17 Roy Crawford Lane, within Section 17, Township 16 North, Range 10 East, (Commission District 4)

Because the case was heard previously, Jose Larrañaga gave an abbreviated report, noting that he discussed the possibility of a conservation easement in order to keep the lots above six acres each but the Applicant preferred to come forward for the variance.

Mr. Larrañaga gave the following recommendation: Staff has reviewed this application and has found the facts presented not to support this application: staff’s



analysis of the Applicant's interpretation of the variance criteria does not justify the approval of this application; strict compliance with the requirements of the code would not result in extraordinary hardship to the Applicant; to allow Tract A-2 to be reduced further below the density requirements allowed by the code, the purpose of the code would be nullified; the Applicant has not justified a hardship which is contemplated by the Code. The variance requested by the Applicant is not considered a minimal easing of the requirements of the code therefore staff recommends denial of the Applicant's request.

He added that the applicant has revised the Application, submitting additional supporting material.

Duly sworn, Ronald Crawford stated as he understood the code he was requesting a simple lot line adjustment based on a post code variance. The nine-acre lot to the north of his lot was divided into three smaller lots.

Member J.J. Gonzales asked if there were two separate wells and Mr. Crawford said each has an individual residence and well. The older well dates to around 1960 and has been refurbished. It is available for the second house. He said he sent out the certified mailers and they were returned by the nine neighbors. He spoke with two of them.

Under oath, John Cormanick, adjacent landowner, said he was in opposition to the variance because it would change the nature of the neighborhood and adversely affect his property value. His parcel is 6.9 acres and is due east of the property in question. Other lots in the area are over five acres.

Chairman Romero noted there appeared to be other properties in the area that were between 2.5 and 3 acres.

Gwyneth Duncan Crawford, under oath, stated that a precedent had been set by the division of the nine acres post-code for the Mountain Hydrologic Zone and that should be recognized.

Member J.J. Gonzales moved to deny the variance in Case #V 10-5240, in conformance with staff's recommendation. Member Martin seconded and the variance was denied by unanimous 6-0 voice vote.

Ms. Cobau said the case would go before the BCC.

Member C. Gonzales reminded the committee that the code was started in 1981 and the precedent cited was in 1981.

~~Member JJ Gonzales moved to approve MIS 10-5310. His motion was seconded by Member Martin.~~

~~Member C. Gonzales requested an amendment that the property be required to install a cistern.~~

~~The movant and second accepted the amendment as friendly and the motion as amended passed by unanimous [5-0] voice vote.~~

- C. **CDRC CASE # V 10-5240 Ronald Crawford Variance:** Ronald Crawford, Applicant, requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a lot line adjustment to reduce lot A-2 to 2.507 acres and increase lot A-1 by 4.01 acres for a total of 10.90 acres. The property is located at 17 Roy Crawford Lane, within Section 17, Township 16 North, Range 10 East, Commission District 4.

Mr. Larrañaga reviewed the staff report as follows:

“The Applicant requests a variance of Article III, Section 10, Lot Size Requirements, of the Land Development Code to allow a 6.526-acre (Tract A-2) parcel to be reduced to 2.5 acres. The Applicant is proposing a lot line adjustment between Tract A-1 (6.88 acres) and Tract A-2 (6.52 acres). The lot line adjustment would increase the acreage on Tract A-1 to 10.90 acres and decrease the acreage on Tract A-2 to 2.5 acres.

“The Applicant states he must sell his mother’s home located on Tract A-2 but wishes to retain as much of the family property as possible. The lot line adjustment would also allow for his driveway, which is within Tract A-2, to be platted entirely Tract A-1, his property.

“The property is located within the Metro Mountain Hydrologic Zone where the maximum allowable lot size is 20 acres with .25 acre-feet water restrictions and can be reduced to 5 acres with community water. Both Tract A-1 and Tract A-2 are below the maximum allowable lot size depicted by the Land Development Code.

“Article II Section 3 (Variances) of the County Code states that “Where in the case of proposed development, it can be shown that strict compliance with the requirements of the code would result in extraordinary hardship to the applicant because of unusual topography or other such non-self-inflicted condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This Section goes on to state, “In no event shall a variance, modification or waiver be

recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified'."

Mr. Larrañaga said staff has reviewed this application and has found the facts presented do not support this application. Staff's analysis of the Applicant's interpretation of the variance criteria does not justify the approval of this application. Strict compliance with the requirements of the code would not result in extraordinary hardship to the Applicant; to allow Tract A-2 to be reduced further below the density requirements allowed by the code, the purpose of the code would be nullified; the Applicant has not justified a hardship which is contemplated by the Code. The variance requested by the Applicant is not considered a minimal easing of the requirements of the code therefore staff recommends denial of the Applicant's request.

Member JJ Gonzales asked if there were any 2.5 acres lots in the area and Mr. Larrañaga said the applicant has stated there are; however, staff has not verified that statement.

Using a site map, Mr. Larrañaga identified the proposed lot line adjustment. He clarified that a previously lot line adjustment was approved administratively and created two lots out of what previously had been three lots. The applicant is awaiting approval of this variance before he contracts for a survey.

Member JJ Gonzales noted that the applicant's driveway easement is on Tract A-2 and Mr. Larrañaga confirmed that was a platted easement within the recorded plat of the previous lot line adjustment.

Member C. Gonzales asked whether there was community water and Mr. Larrañaga said that the community system was close but has not proven water availability to service more lots.

In response to a suggestion offered by Member DeAnda, Ms. Cobau said the applicant could create a joint-use conservation easement on his property. Member DeAnda said she was inclined to support staff recommendation to deny the request and the notion of a conservation easement may benefit the applicant in accomplishing his goal.

Duly sworn, Ronald and Glenna Crawford, residents of 17 Roy Crawford Lane, appeared before the CDRC. Mr. Crawford said there are lots in the area under 3 acres. He discussed the history of the lots noting his parents created the subdivision. The property is not on a community well. He stated that his family has owned the property since 1959 and upon his mother's death he owns both parcels. The property had contained an additional 5-acre parcel that was dissolved through a previous lot line adjustment.

Mr. Crawford said a precedent has been established and few of the lots are greater than 5 acres and most contain two dwellings. He said a new well was drilled 600 feet

when an existing well went dry. There is plenty of water on Tracts A1 and A2; both have their own wells and he recalled there is a 3 acre-foot state allotments.

Mr. Crawford said there are 14 2.5-acre lots between his property and the County Road. He noted that his request would not affect density in the area.

Responding to Member JJ Gonzales' questions, Mr. Crawford stated that the well that went dry was 90 feet and was not the community well which was drilled to 450 feet on what he referred to as the Siebert/Alley development. The new well was drilled in 2003 and situated on his lot. The two lots have individual wells and septic systems.

Mr. Crawford agreed to a condition prohibiting further lot divisions.

Member JJ Gonzales asked whether Mr. Crawford discussed his plans with his neighbors and he responded that he had sent registered letter and he was unaware of any opposition.

Mrs. Crawford said she spoke with a few of her neighbors who had no concerns once they understood the request.

Member DeAnda expressed concern that the 10.5-acre lot would be further divided in the future asked whether the applicant owned other lots in the area. He responded no.

Member Dayton asked the applicant if he was willing to establish a conservation easement and Mr. Crawford said he needed to know more about it but he was not opposed to the idea.

Mr. Larrañaga said staff recommended denial because the request is to create lots below the Code density.

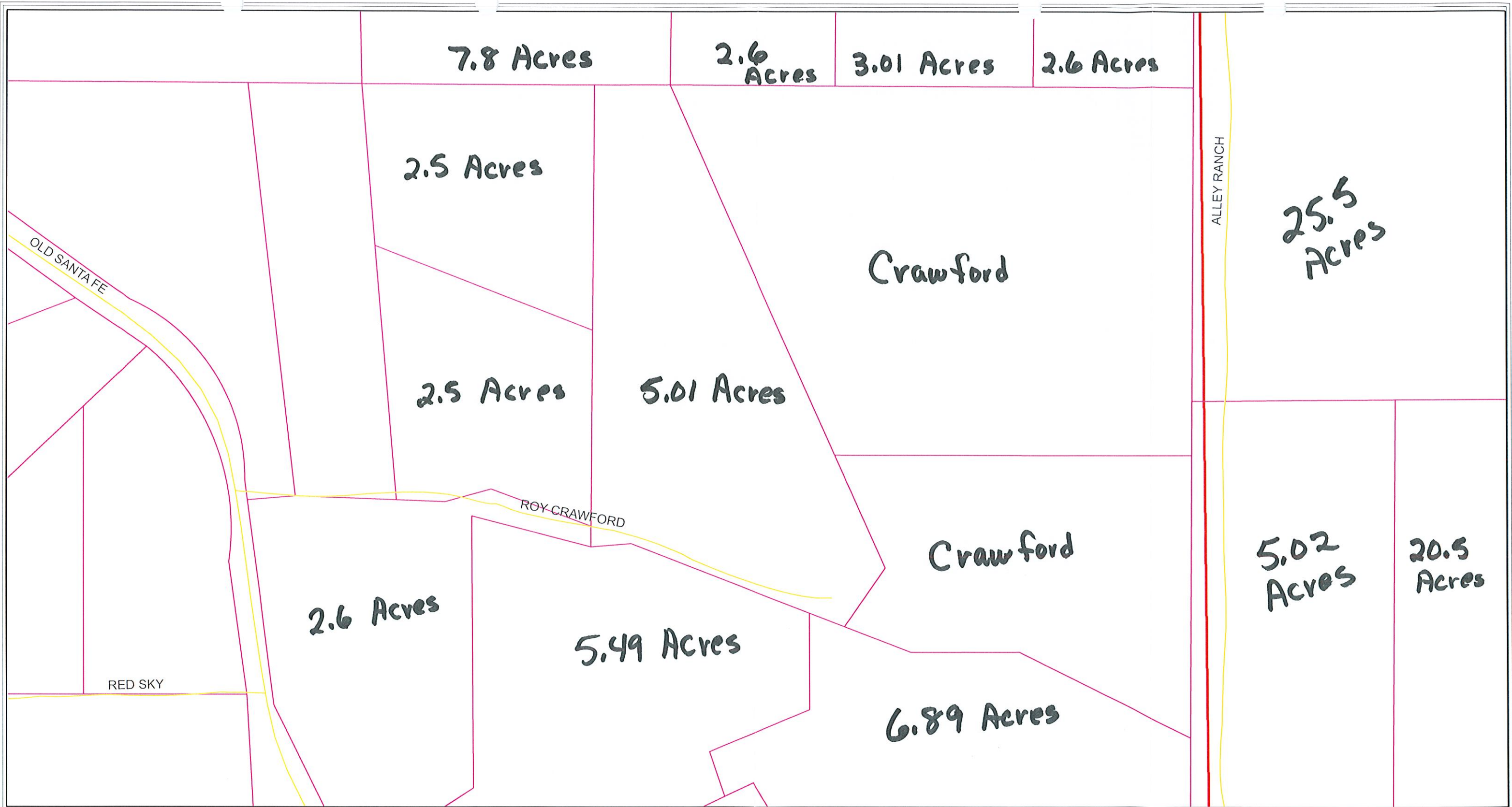
There was no one in the public wishing to speak on this case.

Member C. Gonzales commented that the property had been within the Mountain Special Review District where there was a 20-acre minimum and stringent septic system regulations.

Ms. DeAnda said the applicant stated he was interested in reviewing other options and with that in mind, she moved to table the case. Member Martin seconded and the motion to table passed by unanimous [5-0] voice vote.

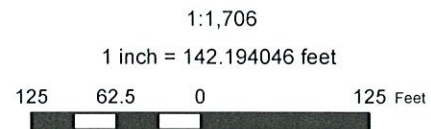
Chair Romero recommended the applicant meet with staff.





**Legend**

- Roads
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September 27, 2010



## 2.2 Development Permit Fees and Copies

The amount of the fee for the development permit shall be determined by resolution of the Board, which may establish different fees for different types of development. Permit fees established under the Code are not refundable. The Code Administrator shall make copies of any fee schedule adopted by the Board available to the public in his office and shall post in his office a copy of all current fee schedules. An applicant for a development permit may file an application with the Code Administrator upon paying the fee determined by the Board.

## 2.3 Administrative Procedures

### 2.3.1 Administrative Decisions

- 2.3.1a By using the following procedure, the Code Administrator may approve or deny development permit applications for the following types of development without referring the application to the County Development Review Committee or the Board. Applications for land divisions that constitute a subdivision under a common promotional plan shall comply with the procedure provided for in Article V. The following types of development may be approved administratively:
- i. Any home occupation;
  - ii. The following divisions of land which are exempt from subdivision regulations. Applicants claiming any of the following exemptions shall submit supporting data and affidavits to verify their claim as required by the Code Administrator:
    - a. The sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with 7-36-20 NMSA 1978, for the preceding three years;
    - b. The division of land created by a court order where the order creates no more than one parcel per party;
    - c. The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities;
    - d. The division of land created to provide security for mortgages, liens or deeds of trust; provided that the division is not the result of a seller-financed transaction and provided that the parcel given for security is consolidated with the original parcel upon release of the mortgage, lien or deed of trust;
    - e. The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres;
    - f. The division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax, as described in 501 (c) (3) of the U.S. Internal Revenue Code of 1986, as amended; school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity;
    - g. The sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations;



provided further that a survey shall be filed with the county clerk indicating the five (5) year holding period for both the original tract and the newly created tract;

- h. The division of land to create a parcel that is sold or donated as a gift to an immediate family member (as defined in Article X); however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land per immediate family member. Divisions made under this exception will be referred to throughout the Code as Family Transfers, and



- i. Lot line adjustment;
- iii. Lot consolidation;
- iv. Easement plat;
- v. Plat amendment;
- vi. Boundary survey;
- vii. Type III subdivisions containing five (5) or fewer parcels of land, unless the land within a subdivision has been previously identified in the County General Plan or this Code as an area subject to unique circumstances or conditions that require additional review;
- viii. Type V subdivisions containing five (5) or fewer parcels;
- ix. Building permits;
- x. Grading and clearing permits;
- xi. Driveway cut permits;
- xii. Road cut permits;
- xiii. Blasting permits;
- xiv. Sign permits;
- xv. Business licenses, except liquor licenses;
- xvi. Legal lot of record;
- xvii. Permitted uses in any non-residential district as set forth in Article III, Section 4; and
- xviii. Permits for construction materials, mine sites and road materials fabrication plants that are temporary in nature, using mobile equipment, including but not limited to: crushers, stackers, conveyors, asphalt hot mix plants and concrete batch plants, for state, federal or local highway projects. Such temporary permits, not exceeding 180 days, must comply with all provisions of this ordinance except height. Height shall be controlled by FAA regulations in those areas where applicable. If not located in an FAA regulated area, height shall not exceed that dimension as approved by the Code Administrator. All materials stockpiles should be configured so as to prevent any sight safety distance conflicts from any road or access way. Temporary permits may be renewed for an additional 180 day period.

- 2.3.1b The Code Administrator shall review the application for compliance with the requirements set forth in the Code. (See Article III, Section 2.4.2 for the submittal and review requirements for projects listed in Sections 2.3.1a.ii through viii, above.) The Code Administrator shall make and file a decision approving or disapproving the application or approving the application with conditions or modifications within thirty (30) working days from the date the application was deemed complete for projects listed in Sections 2.3.1a.ii through viii and fifteen (15) working days from the date the application was deemed complete for all other projects listed in Section 2.3.1a.

(g) Commencement of Development

Construction must begin within one (1) year of the date of issuance of development permit, or the development permit is void and a new application shall be made prior to any development. The work described in any development permit shall be substantially completed within two (2) years from the date it is issued, unless an extension is granted by the Code Administrator. Extensions of up to two (2) years may be granted by the Code Administrator pursuant to a review of the site and the original conditions of the Development Permit. Any permit not extended shall expire and be canceled by the Code Administrator. Written notice will be sent to the applicant that further work as described in the canceled permit shall not proceed unless and until the development permit has been reissued.

2.4.2. Division of a Parcel of Land, Summary Review Subdivisions and Other Plat Reviews2.4.2a. Types of Plats. All plats are to be prepared by a licensed surveyor.

1. Division of Land Plat is a graphic representation and legal description of the separation, splitting, or dividing of a lot, parcel, or tract of land into more than one lot, parcel, or tract of land for any of the purposes listed under Article II, Section 2.3.1.a.ii. (a) through (h).
2. Boundary Plat is the graphic representation and legal description of property ownership of a parcel, lot, or tract of land.
- 3. Lot line adjustment is the graphic representation and legal description of an adjustment, alignment, or movement of a parcel, lot, or tract boundary, which does not constitute a subdivision or division of land.
4. Consolidation Plat is the graphic representation and legal description of a merger, incorporation or consolidation of two or more parcels, lots, or tracts of land.
5. Easement Plat is the graphic representation and legal description of a public/private easement, but does not constitute a boundary plat.
6. Plat amendment is a minor change or correction to a plat, prepared by a licensed surveyor or engineer, which does not constitute a division of land, lot line adjustment, family transfer, or consolidation.
7. Summary Review Subdivision Plat is the graphic representation and legal description of the Type III subdivisions listed in Article II, Section 2.3.1a.vii and all Type V subdivisions.

2.4.2b Submittals and Reviews.

The following submittals and review shall apply when an application for a development permit involves the types of plats listed above in Section 2.4.2a. Type III and Type V subdivisions subject to summary review shall follow all requirements of Article V, Section 5.5 in addition to the applicable provisions of this Section. Small Lot Inheritance Transfers and Small Lot Family Transfers shall meet all the requirements of Article II, Section 4.3 in addition to the applicable provisions of this Section. The Code Administrator will review proposed applications to determine whether there is a common promotional plan to subdivide a property. If it is determined that the land division does constitute a common promotional plan, the project shall comply with the procedures provided for in Article V of the Code.



**SUPPLEMENTAL REPORT**

**PREPARED FOR**

**RON CRAWFORD**

**VARIANCE REQUEST**

**FOR SIZE OF LOT IN MOUNTAIN ZONE**

**CASE # V 10-5240**

**PREPARED BY**

**JAMES W. SIEBERT & ASSOCIATES,  
INC.**

**APRIL 19, 2011**



## Ron Crawford Variance Request

When Case #10-5240, variance from minimum lot size, was heard by the County Development Review Committee, Mr. Ron Crawford represented himself at the CDRC meeting and did not have the knowledge to provide the information to adequately present his request. Mr. Crawford has hired my firm to represent him at the Board of County Commissioner meeting. The following supplemental material is provided to the County Commission that was not available for the CDRC meeting.

### History of the Property

Roy Crawford, Ron Crawford's father, bought the 13.44 acre tract in the late 1950's. The Crawford residence was constructed at the south end of the property in 1960. The house was occupied by the Crawford's until Mrs. Crawford's death. Ron Crawford built his house on a subdivided tract in 1986. Mr. Ron Crawford has been a continuous resident of this house since 1986.

In 1985 Tract A was divided into two lots creating A-1 and A-2 and a remainder lot creating three lots on the 13.44 acres. In 1996 Mrs. Crawford consolidated the property into two lots. The sequence of lot division and consolidation is provided in Exhibit A.

### Consistency with Other Lot Sizes in Area

An 11x17 inch plan has been prepared describing the lots of record in the vicinity of the Crawford request. Two and one-half acre and smaller lots are the norm in this area of the County. Within a one mile radius of the property there are 111 lots that are 2.5 acres or smaller in size. The requested 2.5 acre lot size is consistent with other platted lots in the area.

### Compliance with County Terrain Management Regulations

A slope map has been prepared indicating that the houses are located on slopes of less than 20 percent and the driveways serving the houses have a grade of 10 percent or less (see Exhibit B). There is nothing in this request that imposes a risk to life, safety or health.

### Reason for Ron Crawford Request

Mr. Crawford is requesting approval of a smaller size lot than existed on the 1996 plat. The 2.5 acre lot accomplishes two things:

1. Mr. Crawford wishes to keep the existing driveway to his house on his lot, which makes it extremely difficult to create the same size lot as currently exists on the property.

Since this driveway principally serves his residence he considers the driveway through the sale lot as not only a detriment to marketing the lot but a burden on the future lot owner.

2. The smaller lot size allows for a lower cost for the house which facilitates the sale of the property. Maintaining the other house is a financial hardship. It is difficult to market houses in the current housing slump and lowering the price point improves the ability to sell the property.

### No Increase in Density

The variance request does not result in any increase in intensity of use for the property. A house currently exists on each lot. A well and septic tank/leach field currently serves each house. Both lots have an approved three acre-foot well. The Office of the State Engineer permits for the wells are attached as Exhibit C. A shared driveway serves the two lots and no additional driveways are proposed to serve the existing houses. The driveway to Lot A-1 is paved. Utilities have been constructed to serve the existing homes and no new utility extensions or improvements are required by this variance request. This lot line adjustment and resulting variance does not add any additional vehicles to the roadways, increase the use of ground water resources or add to the discharge of wastewater. There is no impact to the neighbors from this variance request.

### Variance Issues

There are extenuating circumstances associated with this variance request. The driveway serves as a “non-inflicted” condition which creates a natural geographic location for the division of the lot. While the property was owned in the same family this was not an issue. With the death of both parents and the need to sell the lot, the driveway does create an unusual topographic condition. Mr. Crawford would like to use this existing feature on the land as the dividing point for the property.

A variance also has the burden of proving that it does not result in conditions “injurious to health or safety”. The physical condition of the land will not change as a result of the change in the lot line. The Extraterritorial Zoning Commission did act on the division of the land as part of the 1985 review and found that the division was appropriate from a health and safety standpoint.

A variance should not nullify the purpose of the Code. The foundation of the Land Development Code is the determination and mitigation of development impacts created by the increase in traffic, increase in water use and depletion of the aquifer and increase in discharge from on-site wastewater systems. Since these are existing dwellings there is no additional impact to the environment, the aquifer or the road system. Approval of this variance request does not nullify the purpose of the Code.

### Conditions of Approval

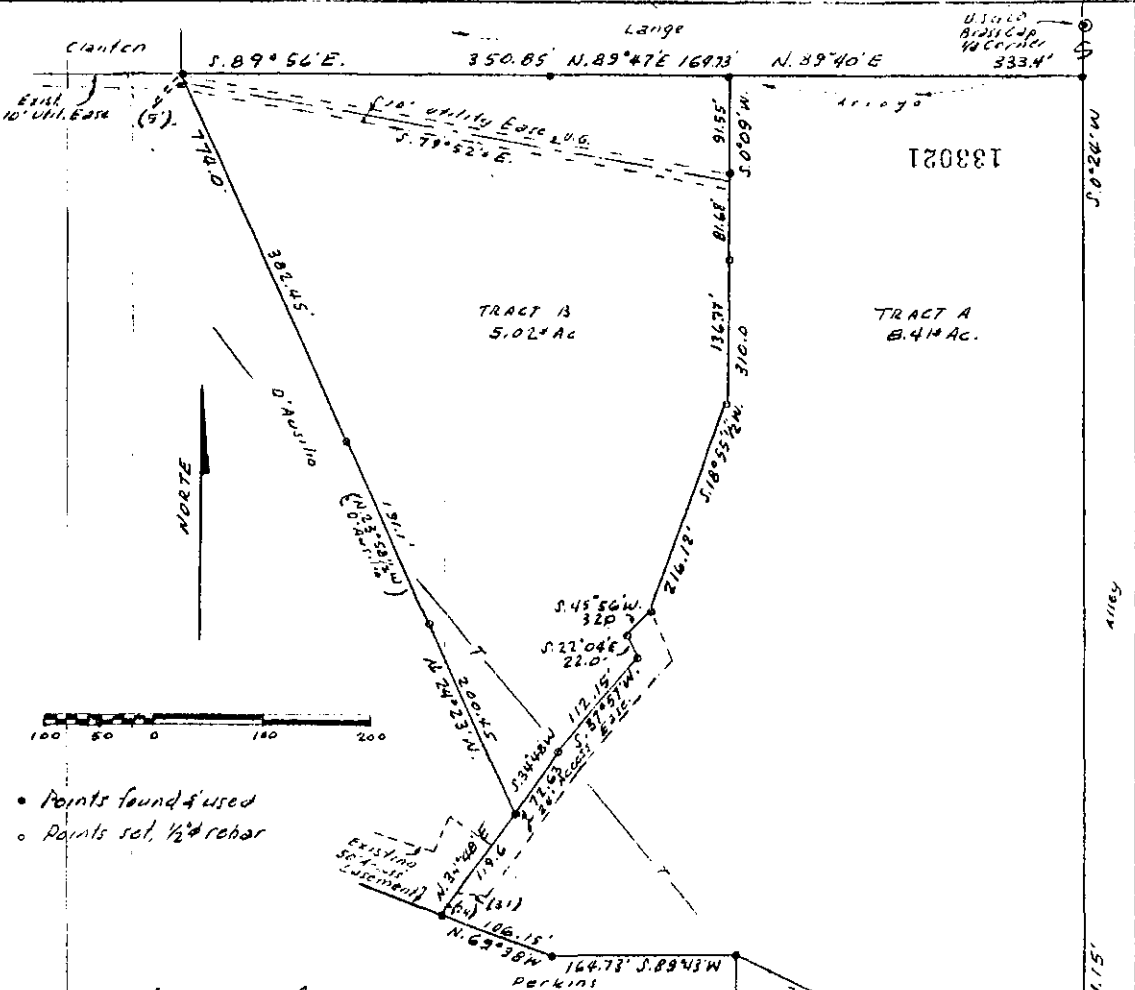
The Code specifies: "In granting variances and modifications the Board may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified". The applicant would like to offer acceptance of conditions that will bring the property in greater compliance with the County Code than existed prior to the variance request. These conditions are:

1. A limitation on water use from 3.0 acre feet per year to .25 acre feet per year for each of the two wells. This would be included on the plat and by restrictive covenant.
2. No further division of the land will be allowed. This restriction would be placed on the plat.
3. If requested by the Fire Marshal a turn-around will be platted and constructed on the property at a location to be determined by the Fire Marshal.

We believe these conditions bring the property in compliance with the principles and objectives of the County Code, substantiating that this variance request is a minimum easing of the Code requirements.



## **EXHIBITS**



- Points found & used
- Points set, 1/2" rebar

APPROVAL  
 COUNTY OF SANTA FE  
*Richard E. ...*  
 County Land Use Administrator  
 9-28-1983  
 date  
 County Development Permit # 83-680

525 678  
 COUNTY OF SANTA FE 158  
 STATE OF NEW MEXICO )  
 I hereby certify that this instrument was filed  
 for record on the 28 day of Sept A.D.,  
 1983 at 9:45 o'clock A.M.  
 and was duly recorded in book 233  
 page 281 of the records of Santa Fe County  
 Witness my Hand and Seal of Office  
 ANGIE VICIL PEREZ  
 County Clerk, Santa Fe County, N.M.  
*Gene Rosasco*  
 Deputy

I hereby certify that this survey was made  
 by me and it is true and correct to the  
 best of my knowledge and belief. All  
 boundaries are common with adjacent  
 properties although distances and bearings  
 may vary slightly.

*Jack G. Horne*  
 Jack G. Horne  
 P5265 4589



26 SEPT 1983	SURVEY FOR ROY C. CRAWFORD IN A PORTION OF SE 1/4 SECTION 17
SCALE 1"=100'	T. 16 N., R. 10 E., N.M.P.M. OLD SANTA FE TRAIL, SANTA FE CO. NM
DRAWN JGH	HORNE ENGINEERING CO. 210 CADIZ RD, SANTA FE, N.M.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS That the undersigned owner has made a report of his property as the SE 1/4 Section 17 of Township 17 N. Range 10 E. County of Santa Fe, New Mexico. That report is for a family division of land now according to their desire and strategy.

Paul B. Crawford

AFFIDAVIT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

This proposed subdivision lies within the planning or planning jurisdiction of the City/County of Santa Fe

Paul B. Crawford

STATE OF NEW MEXICO  
COUNTY OF SANTA FE

The above instrument were acknowledged before me on this 9th day of September, 1985

Paul B. Crawford

My commission expires June 9, 1988



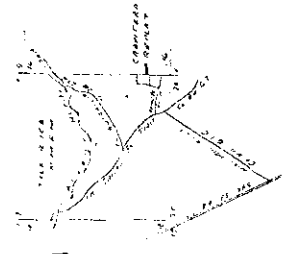
CRAWFORD REPLAT

SE 1/4 SECTION 17, T. 17 N. R. 10 E., N.M.P.M.  
OLD SANTA FE TRAIL SANTA FE CO. N.M.



RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF SANTA FE BY THE COUNTY CLERK ON SEPTEMBER 10, 1985. THE CLERK'S OFFICE IS LOCATED AT 100 N. GARDEN STREET, SANTA FE, N.M. 87501.

LEGATION MAP



Note: All survey shall remain unobstructed and all private road easements shall be the responsibility of the user. If a plat is not to be used, it shall be returned to the County Clerk's Office.

APPROVAL:

COUNTY OF SANTA FE  
BY THE CLERK, PUBLIC RECORDS, SANTA FE, N.M.  
Chairman

Paul B. Crawford  
Santa Fe County Land Use and Code Administrator  
Santa Fe County Development Permit # 85-1163

with and without any other rights retained by the donor. The donor is the owner of the property and the donor is not to be held liable for any other matter. The donor is not to be held liable for any other matter.

Public Records at 100 N. Garden Street, Santa Fe, N.M. 87501

Mountain Bell

Gas Co of N.M.  
Santa Fe Gas 150 170

This plat was prepared by Paul B. Crawford on September 9, 1985. The plat was prepared by Paul B. Crawford on September 9, 1985.

386012

**DECLARATION AFFIDAVIT**

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS HAVE CAUSED THIS PLAN TO BE ADJUSTED AS SHOWN HEREIN IN THE PUBLIC RECORDS OF SANTA FE COUNTY, NEW MEXICO, IN ORDER TO CORRECT THE RECORDS AND BEING CONVINCED THAT THE PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC RECORDS ACT AND THE REQUIREMENTS OF THE PUBLIC RECORDS ACT AND THE REQUIREMENTS OF THE PUBLIC RECORDS ACT...

*Grant A. Crawford*  
TRUSTEE

THE ABOVE WAS FORWARDED BEFORE ME THIS 14th day of February 1996  
I, COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO

APPROVALS:  
COUNTY CLERK OF SANTA FE COUNTY

*Dorothy Cummings*  
COUNTY CLERK OF SANTA FE COUNTY

THE APPROVAL OF THIS PLAN DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS. REGULATION AS APPLIED BY SANTA FE COUNTY IS SUBJECT TO FUTURE TERRAIN MANAGEMENT MONITORING OF PRIVATE ACCESS EASEMENTS TO BE THE RESPONSIBILITY OF THE USER/OWNER.

THE APPROVAL OF THIS PLAN DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT INCLUDING BUILDING PERMITS. REGULATION AS APPLIED BY SANTA FE COUNTY IS SUBJECT TO FUTURE TERRAIN MANAGEMENT MONITORING OF PRIVATE ACCESS EASEMENTS TO BE THE RESPONSIBILITY OF THE USER/OWNER.

**DEED RECORDS**

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED ON THE 8th day of Feb. 1996  
A.S. BY 128 FELIX P. AND WAS ONLY RECORDED IN BOOK 326 PAGE 042  
OF THE RECORDS OF SANTA FE COUNTY.

434-218

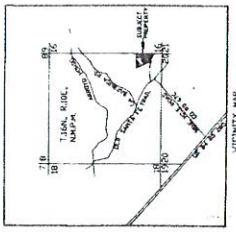
COUNTY OF SANTA FE  
STATE OF NEW MEXICO  
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED ON THE 8th day of Feb. 1996  
A.S. BY 128 FELIX P. AND WAS ONLY RECORDED IN BOOK 326 PAGE 042  
OF THE RECORDS OF SANTA FE COUNTY.

*J. H. Lopez*  
COUNTY CLERK OF SANTA FE COUNTY

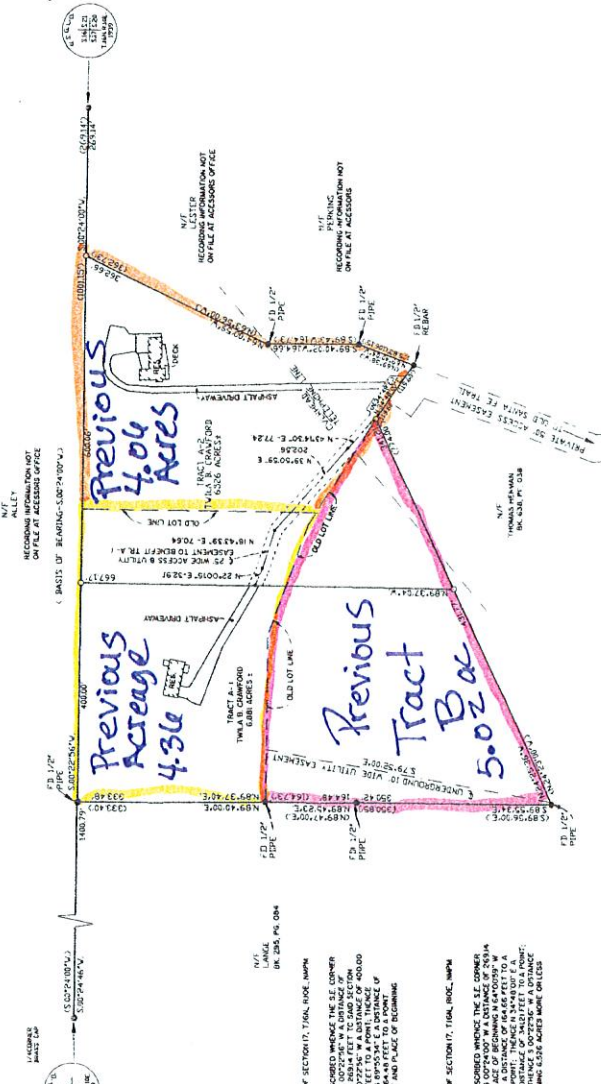
NOTARY

**CONSOLIDATION AND LOT LINE ADJUSTMENT**

REQUESTED BY MRS. ROY CRAWFORD  
1614 R.I.E.C., N.M.P.M., SANTA FE COUNTY



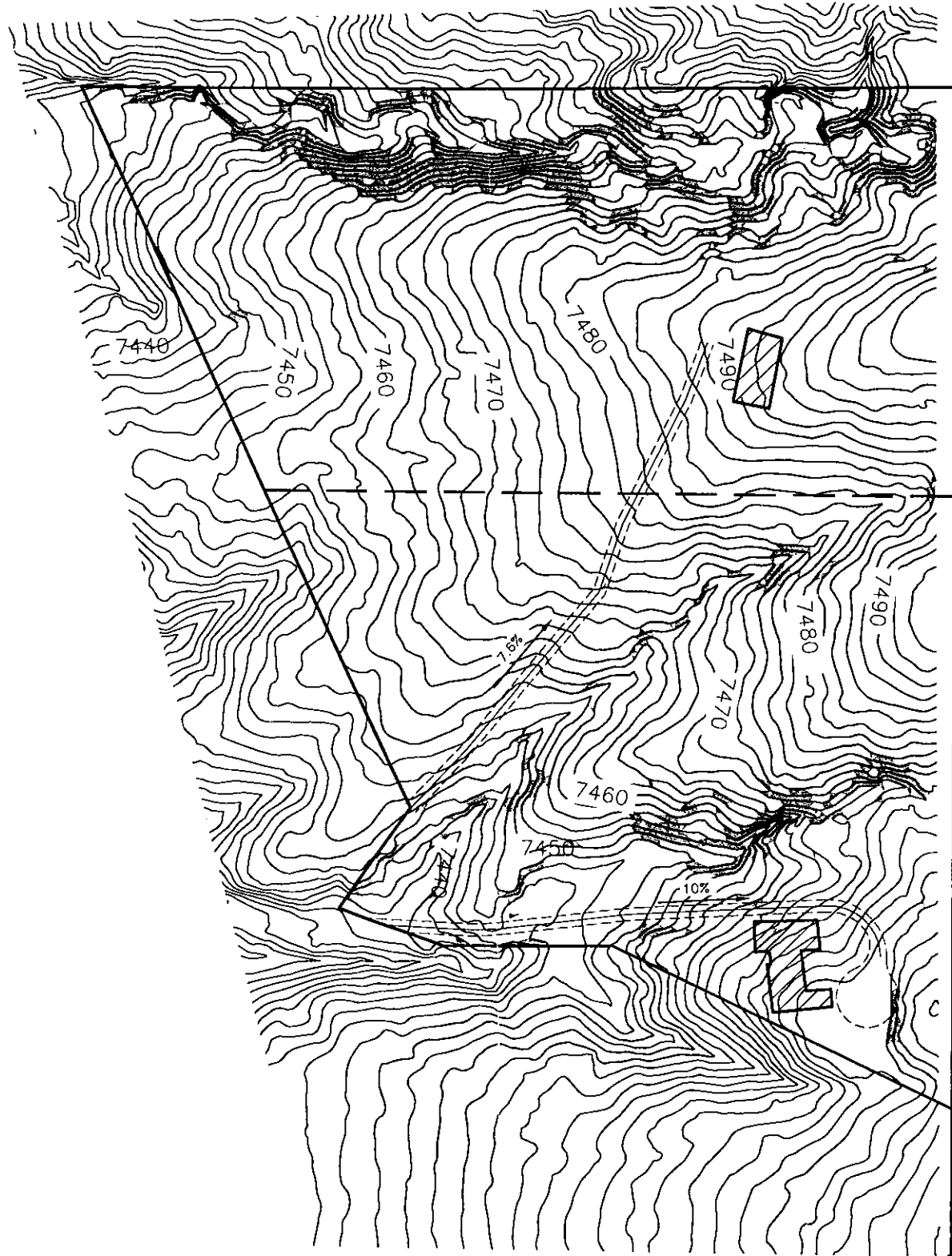
SURVEY MAP  
NOT TO SCALE



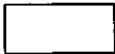
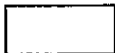

- INDICATES POINTS FOUND AND USED AS MARKS
- INDICATES POINTS SET BY THE SURVEYOR OR DEAN'S MARKS (NO. 445)
- INDICATES UNUSABLE MARKS, CAP BEING AND USED



**CERTIFICATE**  
I HEREBY CERTIFY THAT THIS PLAN AND THE NOTES HEREON WERE FILED AT THE PUBLIC RECORDS OF SANTA FE COUNTY, NEW MEXICO, ON FEBRUARY 8, 1996, AND THAT THIS SURVEY MEETS THE REQUIREMENTS OF THE STATUTES FOR LAND SURVEYS IN NEW MEXICO.  
*Grant A. Crawford*  
GRANTOR



SLOPE CATEGORIES:

	0% - 20%
	20% - 30%
	30%+


<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. <small>915 MERCER STREET • SANTA FE, NEW MEXICO 87501</small> <small>(505) 983-5500</small>	CRAWFORD	SCALE 1" = 150'
	TOPOGRAPHY MAP	NORTH 

EXHIBIT B

\\SIEBERTSERVER\USERS\2011\201107\1107-BASE.DWG



# New Mexico Office of the State Engineer

## Transaction Summary

72121 All Applications Under Statute 72-12-1

Transaction Number: 68757

Transaction Desc: CONVERSION RG  
44839

File Date: 11/20/1985

Primary Status: PMT Permit

Secondary Status: APR Approved

Person Assigned: \*\*\*\*\*

Applicant: RONALD L. CRAWFORD

### Events

Date	Type	Description	Comment	Processed By
11/20/1985	CNV	Converted from Main Frame		*****

### Change To:

WR File Nbr	Acres	Diversion	Consumptive	Purpose of Use
RG 44839		3		DOM 72-12-1 DOMESTIC ONE HOUSEHOLD

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.



# New Mexico Office of the State Engineer

## Transaction Summary

72121 All Applications Under Statute 72-12-1

Transaction Number: 69576

Transaction Desc: CONVERSION RG  
34757

File Date: 07/22/1980

Primary Status: DCL Declared

Secondary Status: PRC Processed

Person Assigned: \*\*\*\*\*

Applicant: ROY C. CRAWFORD

Applicant: TWILA B. CRAWFORD

### Events

Date	Type	Description	Comment	Processed By
07/22/1980	CNV	Converted from Main Frame		*****

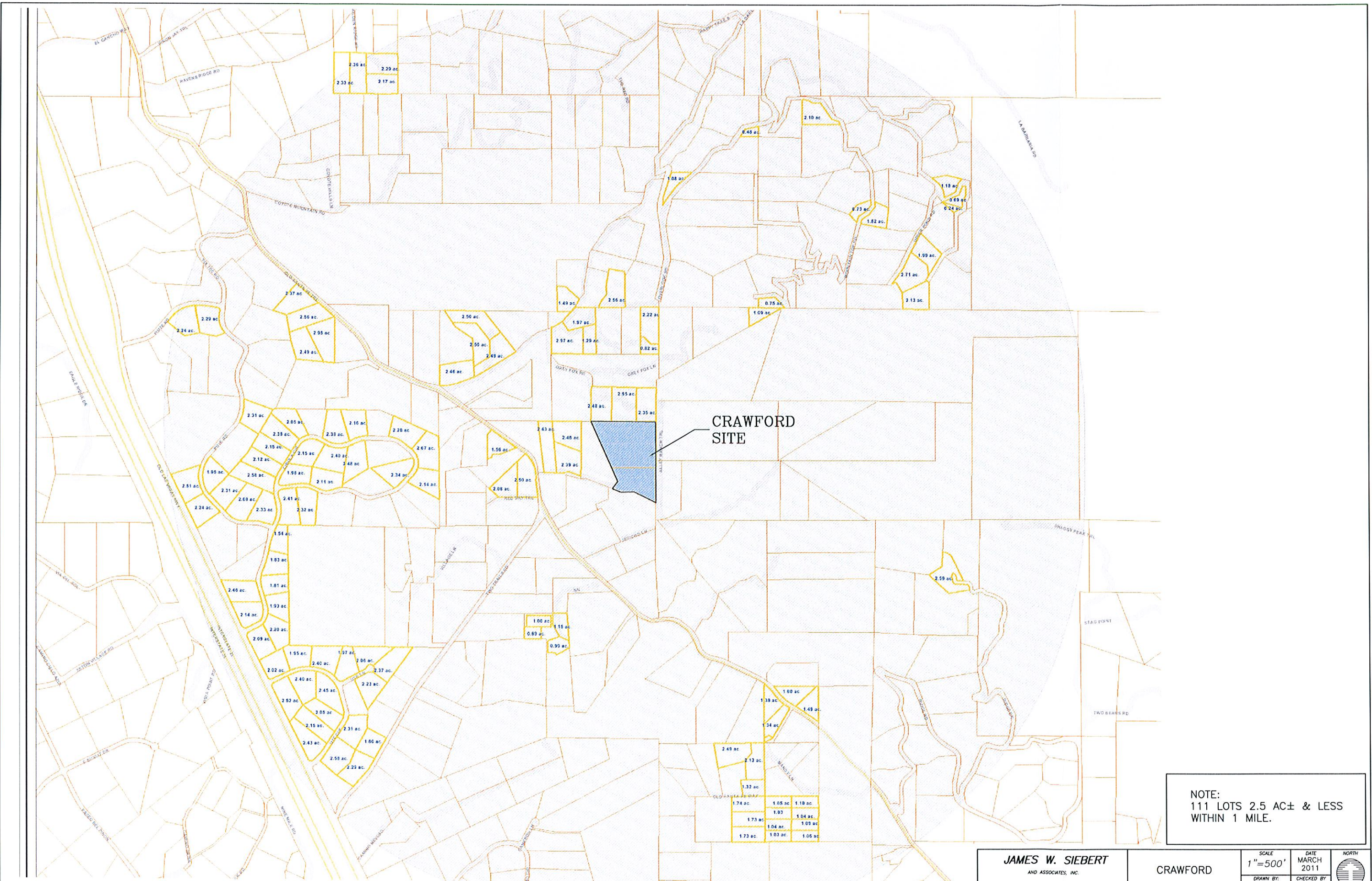
### Change To:

WR File Nbr	Acres	Diversion	Consumptive	Purpose of Use
RG 34757		3		DOM 72-12-1 DOMESTIC ONE HOUSEHOLD

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

**MAP OUTLINING LOTS CONTAINING  
2.50 ACRES OR LESS**





CRAWFORD SITE

NOTE:  
111 LOTS 2.5 AC± & LESS  
WITHIN 1 MILE.

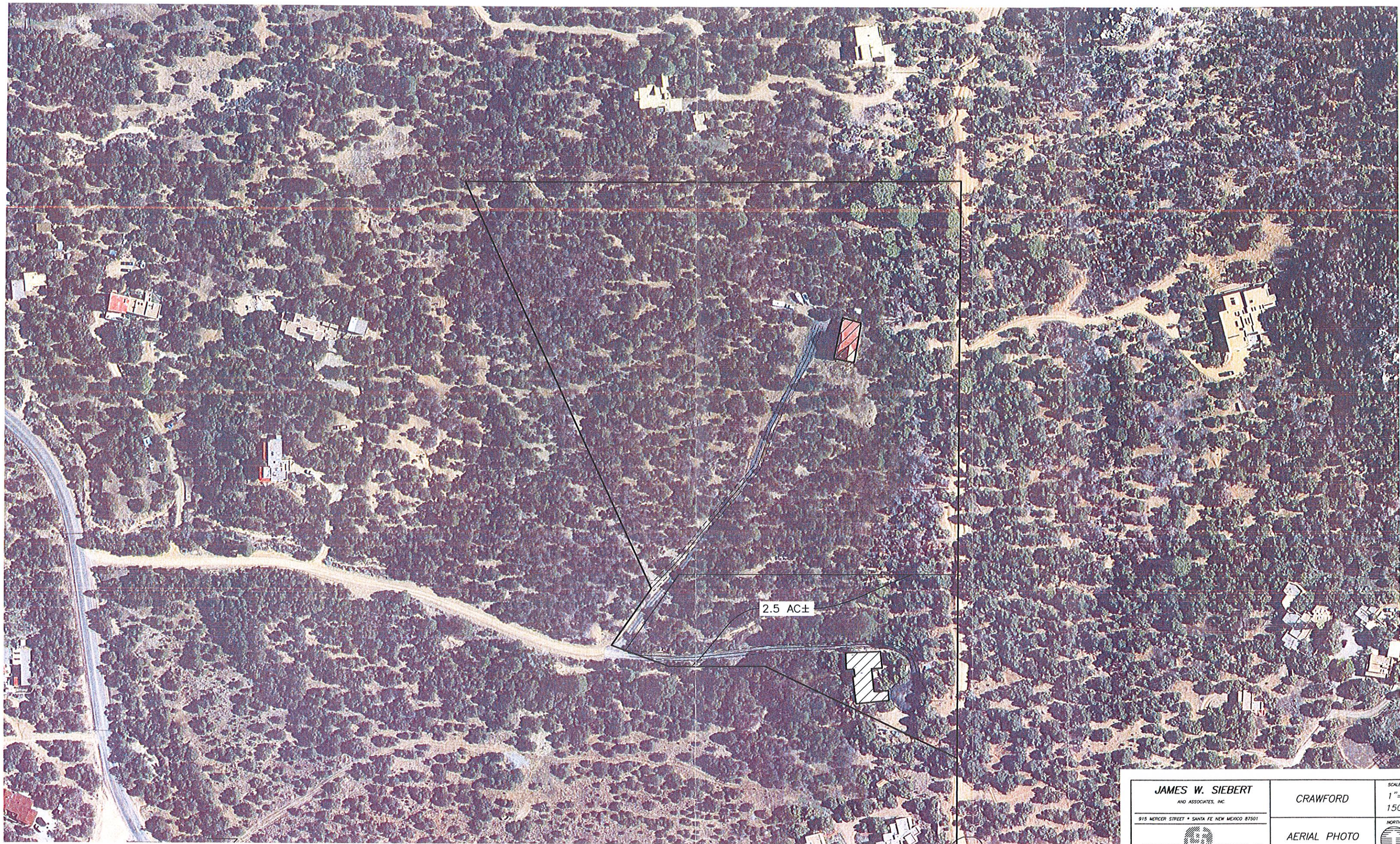
**JAMES W. SIEBERT**  
AND ASSOCIATES, INC.  
915 MERCER STREET • SANTA FE, NEW MEXICO 87505  
(505) 983-5588 FAX (505) 989-7313

CRAWFORD  
1 MILE RADIUS



SCALE 1"=500'	DATE MARCH 2011	NORTH 
DRAWN BY: HF	CHECKED BY: JWS	
REVISED 00/00/00	FILE NAME 201107	SHEET ...
WORKED ON 00/00/00		

I:\SIEBERT\NEW\_USERS\2011\201107\1107-ADJOINERS.DWG

**PROPOSED LOT LINE  
ADJUSTMENT PLAN**



2.5 AC±

<b>JAMES W. SIEBERT</b> AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE, NEW MEXICO 87501 (505) 983-3588	<b>CRAWFORD</b>	SCALE 1" = 150' NORTH
 (505) 989-7313	<b>AERIAL PHOTO</b>	

## Jose Larranaga

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**From:** Betty Downes [bdownes@cybermesa.com]  
**Sent:** Friday, April 29, 2011 8:43 AM  
**To:** Jose Larranaga  
**Cc:** Betty Downes; jkormie@msn.com  
**Subject:** our continued objections CDRC CASE # VAR 10-5240

**Importance:** High

Mr. Jose Larranaga:

We have been notified that Ronald Crawford is continuing to request a variance on his lots ( CDRC CASE # VAR 10-5240.)

We are his neighbors. Our residence at 17 Jericho Lane is contiguous to his property.

I am attaching below our objections emailed last July. In addition, John Kormanik was present at the October 21st meeting of the Santa Fe County Development Review Committee to officially register our objections.

We have been notified that there will be a hearing on May 10th with the Board of County Commissioners.

Unfortunately, we will be out of state on that day and unable to attend this hearing in person. Please submit our continued objections to this request for variance.

Respectfully,

Betty A. Downes, Ph.D.  
John S. Kormanik

-----Original Message-----

**From:** Betty Downes [mailto:bdownes@cybermesa.com]  
**Sent:** Tuesday, July 06, 2010 12:58 PM  
**To:** 'jmsalazar@santafecounty.org'  
**Subject:** comments on CDRC CASE # VAR 10-5240  
**Importance:** High

We am a neighbors on contiguous property to the case CDRC CASE # VAR 10-5240.

Dear Mr. Salazar:

This variance violates the current zoning law for 20 acres. The properties are already well below the regulations and this variance would further violate the zoning law. On what grounds would a variance be recommended???

We do not support the request for variance.

Please let me know the recommendation. Or let me know how to learn about the final recommendations.

Betty A. Downes, Ph.D.  
John Kormanik

